

Scott Creps



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CALIFORNIA
FISH AND GAME
COMMISSION

2014 MAR 14 PM 2:02 MCL

March 10, 2014

The Honorable Noreen Evans
710 E St. Ste. 150
Eureka Ca 95501

Re: Commercial Dungeness Crab Trap Allocation Appeal Process

Dear Senator Evans:

My name is Scott Creps and I reside in Arcata, California. I am a commercial fisherman who works out of Eureka.

I am writing, first of all, to thank you for your support with Senate Bill 369. We are in our first season with crab trap limits and although I fish in just one small area of our coast I would say there is a noticeable difference in the amount of gear in the water. I think everyone knew something needed to be done, so thank you.

SB 369 included an appeal process in which fisherman could contest the number of traps issued to them. I am a fisherman who used this appeal process. Without getting into the boring specifics of the case, on November 4, 2014, Stephen J Smith, an administrative law Judge, set aside my original trap tag allocation and assigned me to the next higher tier, allotting my permit 500 traps instead of the original 450 traps. I personally spent over \$11,000 on this appeal including legal fees and a \$3,044 fee payable to the Department of Fish and Wildlife. The fee paid to Fish and Wildlife was designed to cover all court costs and associated expenses incurred by the Department of Fish and Wildlife in allowing me the opportunity to contest its allocation of trap tags. Given the state's financial position I considered this to be fair enough and at least I could have the opportunity to be given what I considered to be the fair amount of crab traps.

On November 19, 2013 my attorney received a letter from The Department of Fish and Wildlife stating the Department planned on appealing the decision of the administrative law judge. On December 4, 2013 the Department filed an appeal with the Superior Court of California. Of course the decision by the Department to appeal frustrated me not only as a fisherman whose business is being negatively impacted but also as a taxpayer of this state. The Department has decided to take action on a case which contests .02% of the total number of traps in the fishery and cost me and the taxpayers of this state tens of thousands of dollars, and valuable court time. Although we are trying to limit the amount of traps in the fishery, I am not sure spending this much time and money to keep 50 pots out of the ocean is something the taxpayers of this state would approve.

Thank You for your time. Please feel free to contact me if you would like to discuss this issue. [REDACTED]

Sincerely,



Scott Creps

Cc: Wesley Chesbro, State Assembly member

Charlton Bonham, Director, Department of Fish and Wildlife

Jerry Brown, Governor of California

Jacque Holster-Carmesin, California Department of Fish and Wildlife Commissioner